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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

| | | |
|------------------------|---|----------------------|
| PATSY ROUSE, |) | Civil No. 05-3115-CO |
| |) | |
| Plaintiff, |) | ORDER |
| |) | |
| v. |) | |
| |) | |
| WAL-MART STORES, INC., |) | |
| a corporation, |) | |
| |) | |
| Defendant. |) | |

PANNER, Judge.

On July 6, 2006, Magistrate Judge Cooney filed his Findings and Recommendation (docket # 23), recommending that Defendant's Motion to Dismiss (# 14) all claims be granted, that leave to amend the complaint be denied, and that this action be dismissed with prejudice. Because Defendant attached documents to its motion to dismiss the contract claim, that portion of the motion was converted into a motion for summary judgment.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Although no objections have been timely filed, this court still must review the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983) (absence of objection does not relieve

"district court of its obligation . . . to decide for itself whether the Magistrate's report is correct").

I find no error.

Conclusion

Magistrate Judge Cooney's Findings and Recommendation (docket # 23) are adopted. Defendant's Motion (# 14) to Dismiss (or for summary judgment as to the contract claim) is granted. Plaintiff's request for leave to file an amended complaint is denied as futile. This action is dismissed with prejudice.

IT IS SO ORDERED.

DATED this 8 day of August, 2006.


Owen M. Panner
United States District Judge